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PATENT APPLICATION



VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c) — SMALL BUSINESS CONCERN)

Applicants or Patentees: Bentolila, Zhou, Ismail, Humpleman
Serial or Patent No.: 10/043,714
Filed or Issued: January 9, 2002
For: SYSTEM, METHOD, AND SOFTWARE APPLICATION FOR TARGETED ADVERTISING VIA BEHAVIORAL MODEL CLUSTERING, AND PREFERENCE PROGRAMMING BASED ON BEHAVIORAL MODEL CLUSTERS
Examining Group: Not Yet Assigned
Name of Inventors: Bentolila, et al.

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN METABYTE NETWORKS, INC.

ADDRESS OF CONCERN 39350 Civic Center Drive, Suite 200, Fremont, California 94538.

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement: (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year; and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled
SYSTEM, METHOD, AND SOFTWARE APPLICATION FOR TARGETED ADVERTISING VIA BEHAVIORAL MODEL CLUSTERING, AND PREFERENCE PROGRAMMING BASED ON BEHAVIORAL MODEL CLUSTERS

by inventor(s) Isaac Bentolila, Yiming Zhou, Ismail Labeeb and Richard Humpleman

described in

☐ the specification filed herewith

☒ Application Serial No. 10/043,714, filed January 9, 2002

☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business

concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).*

NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING SANDFORD S. ETTINGER.

TITLE OF PERSON OTHER THAN OWNER General Counsel, VP Intellectual Property

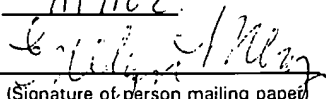
ADDRESS OF PERSON SIGNING 240 Wingfoot Drive, Aptos, California 95003, U.S.A.

SIGNATURE  Date 7/1/2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 7/1/02.

Evelyn Hernandez
(Type or print name of person mailing paper)


(Signature of person mailing paper)